

DOCKET NO: 268099US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
JULIANE KRUESEMAN, ET AL. : EXAMINER: HAILEY, P. L.  
SERIAL NO: 10/529,862 :  
FILED: APRIL 1, 2005 : GROUP ART UNIT: 1793  
FOR: USE OF PREPARATIONS :  
COMPRISING PIGMENTS AND  
DYESTUFFS FOR THE DECORATION  
COLOURING OF DERIVED TIMBER  
PRODUCTS

REPLY BRIEF

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

The following Reply Brief is in reply to the Examiner's Answer dated February 21, 2008 (Answer).

The statement of the Grounds of Rejection (Answer at 3-5) is identical to the statement in the Final Rejection, which has already been responded to in the Appeal Brief. In addition, the paragraph bridging pages 5 and 6 under Response to Argument in the Answer is identical to a statement in the Advisory Action, which has also been responded to in the Appeal Brief. The following is in reply to new material in the Response to Argument (Answer at 5-6).

The Examiner finds that the particle board of Thornber et al and the paper of Ortalano et al "are both wood-based or wood-derived products" and thus, there is a relationship between them (Answer at 5).

In reply, Applicants have already explained the differences between these products, especially when coloring agents are involved, in the Appeal Brief. There is **no** relevant relationship herein.

The Examiner finds that Ortalano et al discloses “a pigment dispersion comprising components ‘comparable to those respectively claimed’” (Answer at 5).

In reply, Applicants have already distinguished the composition of Ortalano et al from both Thornber et al and the present invention, in the Appeal Brief.

The Examiner finds that Applicants “have not provided any convincing evidence that Patentees’ dispersion would not suitably color MDF, HDF, or chipboard” (Answer at 5).

In reply, it is not clear what the Examiner means by “Patentees’ dispersion” although it would appear that the Examiner intends Ortalano et al’s disclosed dispersion. But the issue is not whether Ortalano et al’s dispersion would color MDF, HDF or chipboard. Rather, the issue is whether it would have been obvious to (1) modify Ortalano et al’s dispersion, wherein the pigment is dispersed in the dye, to arrive at a composition containing 0.5% to 10% by weight of at least one dye based on the weight of the pigment, and (2) use such a modified composition in the method of Thornber et al. Applicants have demonstrated in the Appeal Brief that it would not have been so obvious.

The Examiner finds that “[a] reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including non-preferred embodiments” (citation omitted) in response to Applicants’ argument in the Appeal Brief that the closest example of Ortalano et al to that of the present invention, i.e., Example 22, contains 23 wt% dye based on the pigment (Answer at 6).

Application No. 10/529,862  
Reply Brief

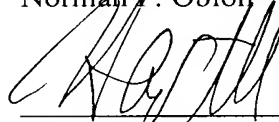
In reply, Applicants have in essence responded to this argument at page 6,  
penultimate paragraph, of the Appeal Brief.

Applicants continue to maintain that the rejection should be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon



---

Harris A. Pitlick

Registration No. 38,779

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

NFO:HAP\la